



General Assembly

February Session, 2010

Raised Bill No. 124

LCO No. 648

00648_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING LONG ISLAND SOUND AND COASTAL PERMITTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) Any recipient of a
2 permit, certificate or other authorization issued pursuant to sections
3 22a-32, 22a-361, 22a-363b and 22a-363d of the general statutes, as
4 amended by this act, on or after October 1, 2010, shall file on the land
5 records of the municipality in which the subject property is located a
6 certified copy or notice of such permit, certificate or authorization not
7 later than thirty days after the issuance of such permit, certificate or
8 authorization.

9 (b) Prior to transferring any real property on which an activity
10 regulated pursuant to sections 22a-32, 22a-361, 22a-363b and 22a-363d
11 of the general statutes, as amended by this act, exists, the owner of
12 such property shall file a certified copy or notice of the most recent
13 permit, certificate or authorization issued under said sections on the
14 land records of the municipality in which such property is located.

15 Sec. 2. Subsection (a) of section 2c-2b of the 2010 supplement to the

16 general statutes is repealed and the following is substituted in lieu
17 thereof (*Effective October 1, 2010*):

18 (a) The following governmental entities and programs are
19 terminated, effective July 1, 2012, unless reestablished in accordance
20 with the provisions of section 2c-10:

21 (1) Regulation of hearing aid dealers pursuant to chapter 398;

22 (2) Repealed by P.A. 99-102, S. 51;

23 (3) Connecticut Homeopathic Medical Examining Board, established
24 under section 20-8;

25 (4) State Board of Natureopathic Examiners, established under
26 section 20-35;

27 (5) Board of Examiners of Electrologists, established under section
28 20-268;

29 (6) Connecticut State Board of Examiners for Nursing, established
30 under section 20-88;

31 (7) Connecticut Board of Veterinary Medicine, established under
32 section 20-196;

33 (8) Liquor Control Commission, established under section 30-2;

34 (9) Connecticut State Board of Examiners for Optometrists,
35 established under section 20-128a;

36 (10) Board of Examiners of Psychologists, established under section
37 20-186;

38 (11) Regulation of speech and language pathologists pursuant to
39 chapter 399;

40 (12) Connecticut Examining Board for Barbers and Hairdressers and
41 Cosmeticians established under section 20-235a;

- 42 (13) Board of Examiners of Embalmers and Funeral Directors
43 established under section 20-208;
- 44 (14) Regulation of nursing home administrators pursuant to chapter
45 368v;
- 46 (15) Board of Examiners for Opticians established under section 20-
47 139a;
- 48 (16) Medical Examining Board established under section 20-8a;
- 49 (17) Board of Examiners in Podiatry, established under section 20-
50 51;
- 51 (18) Board of Chiropractic Examiners, established under section 20-
52 25;
- 53 (19) The agricultural lands preservation program, established under
54 section 22-26cc;
- 55 (20) Nursing Home Ombudsmen Office, established under section
56 17a-405;
- 57 (21) Mobile Manufactured Home Advisory Council established
58 under section 21-84a;
- 59 (22) Repealed by P.A. 93-262, S. 86, 87;
- 60 (23) The Child Day Care Council established under section 17b-748;
- 61 (24) The Connecticut Advisory Commission on Intergovernmental
62 Relations established under section 2-79a;
- 63 (25) The Commission on Children established under section 46a-126;
- 64 (26) The task force on the development of incentives for conserving
65 energy in state buildings established under section 16a-39b;
- 66 (27) [The estuarine embayment improvement program established

67 by sections 22a-113 to 22a-113c, inclusive] Repealed by section 12 of
68 this act;

69 (28) The State Dental Commission, established under section 20-
70 103a;

71 (29) The Connecticut Economic Information Steering Committee,
72 established under section 32-6i;

73 (30) Repealed by P.A. 95-257, S. 57, 58;

74 (31) The registry established under section 17a-247b; and

75 (32) Regulation of audiologists under sections 20-395a to 20-395g,
76 inclusive.

77 Sec. 3. Section 15-170 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2010*):

79 For the purposes of this section and sections 15-171 to 15-175,
80 inclusive:

81 (a) "Discharge" means spill, leak, pump, pour, emit, empty or dump;

82 (b) "Docking facility" means any public, private or commercial
83 marina, yacht club, dock, wharf or in-water mooring used for
84 anchoring, berthing, mooring, serving or otherwise handling vessels,
85 and includes a facility organized as a common interest community;

86 (c) "Marine sanitation device" means any equipment for installation
87 on board a vessel which is designed to receive, retain, treat or
88 discharge sewage;

89 (d) "Sewage" means human [and animal excretions and domestic
90 and manufacturing] body wastes [in an amount which is determined
91 by regulations adopted by the Commissioner of Environmental
92 Protection to be detrimental to the public health] and the wastes from
93 toilets and other receptacles intended to receive or retain body wastes;

94 (e) "Vessel" means every description of watercraft, other than a
95 seaplane on water, used or capable of being used as a means of
96 transportation on water; and

97 (f) "No discharge zone" means [the following: In the town of
98 Greenwich, all waters shoreward of a line running from Byram Point
99 to Great Captain Island and Little Captain Island and from there to
100 Flat Neck Point; in the city of Stamford, Stamford Harbor and Westcott
101 Cove; in the city of Norwalk and the towns of Westport and Fairfield,
102 all waters shoreward of a line running from Bell Island pole to
103 Sheffield Island, to Hammock Island, to Copps Island, to Goose Island,
104 to Cockenoe Island and thence to Cedar Point; in the town of Fairfield
105 and the city of Bridgeport, Ash Creek and all waters shoreward of a
106 line running from the point at Grover Hill to Penfield Reef and thence
107 southwesterly to red bell buoy number 22 off Sunken Island and
108 thence southwesterly to Cockenoe Island in Westport; in the towns of
109 Fairfield and Stratford and in the city of Milford, all waters shoreward
110 of a line running from Penfield Reef to Stratford Point, continuing
111 north to Milford Point, to include all tidal waters of the Housatonic
112 River north to the crossing of Interstate 95; in the city of Milford,
113 Milford Harbor, from the southwest end of Silver Beach to Charles
114 Island to Welsh's Point; in the cities of New Haven and West Haven,
115 all waters shoreward of a line running from Lighthouse Point westerly
116 to Bradley Point; in the town of Branford, Branford Harbor from
117 Johnson Point to Clam Island to Linden Point and Thimble Islands; in
118 the towns of Madison, Clinton and Westbrook, Clinton Harbor and
119 Duck Island Roads; in the town of Groton, all waters shoreward of a
120 line running from Groton Long Point to Morgan Point and thence to
121 Mason Point; and the Connecticut River from the Bissell Bridge
122 between Windsor and East Windsor south to its mouth, north of a line
123 running from Lynde Point in Old Saybrook to Griswold Point in Old
124 Lyme] those bodies of water in this state that the United States
125 Environmental Protection Agency designates as no discharge areas
126 pursuant to 33 USC 1322.

127 Sec. 4. Section 22a-32 of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2010*):

129 No regulated activity shall be conducted upon any wetland without
130 a permit. Any person proposing to conduct or cause to be conducted a
131 regulated activity upon any wetland shall file an application for a
132 permit with the commissioner, in such form and with such information
133 as the commissioner may prescribe. Such application shall include a
134 detailed description of the proposed work and a map showing the area
135 of wetland directly affected, with the location of the proposed work
136 thereon, together with the names of the owners of record of adjacent
137 land and known claimants of water rights in or adjacent to the wetland
138 of whom the applicant has notice. The commissioner shall cause a copy
139 of such application to be mailed or sent by electronic means to the
140 chief administrative officer in the town or towns where the proposed
141 work, or any part thereof, is located, and the chairman of the
142 conservation commission and shellfish commission of the town or
143 towns where the proposed work, or any part thereof, is located. [No
144 sooner than thirty days and not later than sixty days after the receipt of
145 such application, the] The commissioner or [his] the commissioner's
146 duly designated hearing officer shall hold a public hearing on such
147 application, provided, whenever the commissioner determines that the
148 regulated activity for which a permit is sought is not likely to have a
149 significant impact on the wetland, [he] the commissioner may waive
150 the requirement for public hearing after publishing notice, in a
151 newspaper having general circulation in each town wherever the
152 proposed work or any part thereof is located, of [his] the
153 commissioner's intent to waive said requirement and of [his] the
154 commissioner's tentative decision regarding the application, except
155 that the commissioner shall hold a hearing on such application upon
156 receipt of a petition, signed by at least twenty-five persons, requesting
157 such a hearing. The following shall be notified of the hearing by mail
158 or by electronic means not less than fifteen days prior to the date set
159 for the hearing: All of those persons and agencies who are entitled to
160 receive a copy of such application in accordance with the terms hereof

161 and all owners of record of adjacent land and known claimants to
162 water rights in or adjacent to the wetland of whom the applicant has
163 notice. The commissioner shall cause notice of [his] the commissioner's
164 tentative decision regarding the application and such hearing to be
165 published at least once not more than thirty days and not fewer than
166 ten days before the date set for the hearing in the newspaper having a
167 general circulation in each town where the proposed work, or any part
168 thereof, is located. All applications and maps and documents relating
169 thereto shall be open for public inspection at the office of the
170 commissioner. At such hearing any person or persons may appear and
171 be heard.

172 Sec. 5. Section 22a-35a of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2010*):

174 The Commissioner of Environmental Protection, within available
175 appropriations and bond authorizations, shall conduct wetlands
176 restoration and enhancement projects, including but not limited to,
177 open water marsh management and coastal culvert and tide gate
178 management. Such projects (1) shall maximize successful
179 recolonization of tidal wetland vegetation and long-term control of
180 mosquitoes, mosquito larvae and mosquito habitats, (2) shall be
181 consistent with the provisions of sections 22a-28 to 22a-30, inclusive,
182 and sections 22a-90 to [22a-112] 22a-111, inclusive, as amended by this
183 act, and (3) shall be consistent with preservation, protection and
184 restoration of tidal wetland values.

185 Sec. 6. Section 22a-90 of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective October 1, 2010*):

187 Sections 22a-90 to [22a-112] 22a-111, inclusive, as amended by this
188 act, shall be known and may be cited as the "Coastal Management
189 Act".

190 Sec. 7. Section 22a-97 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective October 1, 2010*):

192 (a) The commissioner shall provide, within available
193 appropriations, technical, coordinating and research services to
194 promote the effective administration of this chapter at the federal, state
195 and local levels.

196 (b) The commissioner shall have the overall responsibility for
197 general supervision of the implementation of this chapter and shall
198 monitor and evaluate the activities of federal and state agencies and
199 the activities of municipalities to assure continuing, effective,
200 coordinated and consistent administration of the requirements and
201 purposes of this chapter.

202 [(c) The commissioner shall prepare and submit to the General
203 Assembly and the Governor, on or before December first of each year,
204 a written report summarizing the activities of the department
205 concerning the development and implementation of this chapter
206 during the previous year. Such report shall include, but not be limited
207 to: (1) The department's accomplishments and actions in achieving the
208 goals and policies of this chapter including, but not limited to,
209 coordination with other state, regional, federal and municipal
210 programs established to achieve the purposes of this chapter and
211 research programs established pursuant to subsection (a) of section
212 22a-112; (2) recommendations for any statutory or regulatory
213 amendments necessary to achieve such purposes; (3) a summary of
214 municipal and federal programs and actions which affect the coast; (4)
215 recommendations for any programs or plans to achieve such purposes;
216 (5) any aspects of the program or the chapter which are proving
217 difficult to accomplish, suggested reasons for such difficulties and
218 proposed solutions to such difficulties; (6) a summary of the
219 expenditure of federal and state funds under this chapter; and (7) a
220 request for an appropriation of funds necessary to match federal funds
221 and provide continuing financial support for the program. Such report
222 shall comply with the provisions of section 46a-78. On and after
223 October 1, 1996, the report shall be submitted to the joint standing
224 committee of the General Assembly having cognizance of matters

225 relating to the environment and, upon request, to any member of the
226 General Assembly. A summary of the report shall be submitted to each
227 member of the General Assembly if the summary is two pages or less
228 and a notification of the report shall be submitted to each member if
229 the summary is more than two pages. Submission shall be by mailing
230 the report, summary or notification to the legislative address of each
231 member of the committee or the General Assembly, as applicable.]

232 Sec. 8. Section 22a-113m of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective October 1, 2010*):

234 The commission, in consultation with the Commissioners of
235 Environmental Protection and Transportation, shall prepare or cause
236 to be prepared a management plan for the most desirable use of the
237 harbor for recreational, commercial, industrial and other purposes. For
238 those towns in the coastal area as defined in section 22a-94, the plan
239 shall provide for the preservation and use of the coastal resources of
240 the harbor in a manner consistent with the provisions of sections 22a-
241 90 to [22a-112] 22a-111, inclusive, as amended by this act, and any
242 municipal coastal plan adopted pursuant to section 22a-101 by any
243 municipality that is a member of the commission. A copy of the plan
244 shall be forwarded to the U.S. Army Corps of Engineers for review,
245 comments and recommendations. Such plan shall be submitted for
246 approval to the Commissioners of Environmental Protection and
247 Transportation. Said commissioners shall act on the plan not more
248 than sixty days after submission of such plan. Upon approval by said
249 commissioners, the plan may be adopted by ordinance by the
250 legislative body of each municipality establishing the commission. The
251 ordinance shall specify the effective date of the plan. A modification to
252 the plan may be proposed at any time and shall be approved in the
253 same manner as the plan. The plan shall be reviewed annually by the
254 commission and the Commissioners of Environmental Protection and
255 Transportation.

256 Sec. 9. Subsections (a) and (b) of section 22a-361 of the 2010

257 supplement to the general statutes are repealed and the following is
258 substituted in lieu thereof (*Effective October 1, 2010*):

259 (a) (1) No person, firm or corporation, public, municipal or private,
260 shall dredge, erect any structure, place any fill, obstruction or
261 encroachment or carry out any work incidental thereto or retain or
262 maintain any structure, dredging or fill, in the tidal, coastal or
263 navigable waters of the state waterward of the high tide line until such
264 person, firm or corporation has submitted an application and has
265 secured from [said commissioner] the Commissioner of Environmental
266 Protection a certificate or permit for such work and has agreed to carry
267 out any conditions necessary to the implementation of such certificate
268 or permit.

269 (A) Each application for a permit, except for an emergency
270 authorization, for any structure, filling or dredging which uses or
271 occupies less than five thousand five hundred square feet in water
272 surface area based on the perimeters of the project shall be
273 accompanied by a fee equal to eighty cents per square foot provided
274 such fee shall not be less than six hundred sixty dollars.

275 (B) Each application for a permit for any structure, filling or
276 dredging which uses or occupies five thousand five hundred square
277 feet or more but less than five acres in water surface area based on the
278 perimeters of the project shall be accompanied by a fee of three
279 thousand five hundred fifty dollars plus ten cents per square foot for
280 each square foot in excess of five thousand five hundred square feet.

281 (C) Each application for a permit for any structure, filling or
282 dredging which uses or occupies five or more acres in water surface
283 area based on the perimeters of the project shall be accompanied by a
284 fee of nineteen thousand four hundred seventy-five dollars plus five
285 hundred twenty-five dollars per acre for each acre or part thereof in
286 excess of five acres.

287 (D) Each application for a mooring area or multiple mooring facility,

288 regardless of the area to be occupied by moorings, shall be
 289 accompanied by a fee of six hundred sixty dollars provided that such
 290 mooring areas or facilities shall not include fixed or floating docks,
 291 slips or berths.

292 (E) Application fees for aquaculture activities shall not be based on
 293 areal extent.

294 (2) The commissioner may waive or reduce any fee payable [to him]
 295 pursuant to subdivision (1) of this subsection for [(1)] (A) a tidal
 296 wetlands or coastal resource restoration or enhancement activity, [(2)]
 297 (B) experimental activities or demonstration projects, [(3)] (C)
 298 nonprofit academic activities, or [(4)] (D) public access activities in
 299 tidal, coastal or navigable waters, provided no fee shall be waived or
 300 reduced for activities required by statute, regulation, permit, order or
 301 enforcement action. The application fee for the retention of a structure
 302 built in violation of this subsection where such structure is ineligible
 303 for a certificate of permission under section 22a-363b, as amended by
 304 this act, shall be four times the fee calculated in accordance with
 305 subparagraphs (A) to (D), inclusive, of subdivision (1) of this
 306 subsection. The commissioner may lower any such fee based upon the
 307 commissioner's finding of significant extenuating circumstances. Such
 308 significant extenuating circumstances shall not include the prior
 309 payment of a civil penalty or other measures taken by the
 310 commissioner as the result of an enforcement action by the
 311 commissioner. As used in this section, "resource restoration or
 312 enhancement activity" means an action taken to return a wetland or
 313 coastal resource to a prior natural condition or to improve the natural
 314 functions or habitat value of such resource, but shall not include
 315 actions required pursuant to an enforcement action of the
 316 commissioner, and "public access activities" means activities whose
 317 principal purpose is to provide or increase access for the general public
 318 to tidal, coastal or navigable waters, including, but not limited to,
 319 boardwalks, boat ramps, observation areas and fishing piers.

320 (3) The commissioner may adopt regulations in accordance with the
 321 provisions of chapter 54 to establish the permit fees described in
 322 subdivision (1) of this subsection. In the event the commissioner
 323 adopts such regulations, such permit fees shall be the amount
 324 established in such regulations.

325 (b) The commissioner, at least thirty days before approving or
 326 denying an application for a permit, shall provide or require the
 327 applicant to provide, by certified mail, return receipt requested, or by
 328 electronic means to the applicant, to the Commissioner of
 329 Transportation, the Attorney General and the Commissioner of
 330 Agriculture and to the chief executive officer, the chairmen of the
 331 planning, zoning, harbor management and shellfish commissions of
 332 each town in which such structure, fill, obstruction, encroachment or
 333 dredging is to be located or work to be performed, and to the owner of
 334 each franchised oyster ground and the lessee of each leased oyster
 335 ground within which such work is to be performed and shall publish
 336 once in a newspaper having a substantial circulation in the area
 337 affected, notice of (1) the name of the applicant; (2) the location and
 338 nature of the proposed activities; (3) the tentative decision regarding
 339 the application; and (4) any additional information the commissioner
 340 deems necessary. There shall be a comment period following the
 341 public notice during which interested persons may submit written
 342 comments. The commissioner may hold a public hearing prior to
 343 approving or denying an application if, in the commissioner's
 344 discretion, the public interest will best be served by holding such
 345 hearing. The commissioner shall hold a public hearing if the
 346 commissioner receives a petition requesting such hearing that is signed
 347 by twenty-five or more persons and an application will: (A)
 348 Significantly impact any shellfish area, as determined by the director of
 349 the Bureau of Aquaculture at the Department of Agriculture, (B) have
 350 interstate ramifications, or (C) involve any project that requires a
 351 certificate issued pursuant to section 16-50k or approval by the Federal
 352 Energy Regulatory Commission. Following such notice and comment
 353 period and public hearing, if applicable, the commissioner may, in

354 whole or in part, approve, modify and approve or deny the
 355 application. The commissioner shall provide to the applicant and the
 356 persons set forth above, by certified mail, return receipt requested, or
 357 by electronic means, notice of [his] the commissioner's decision. If the
 358 commissioner requires the applicant to provide the notice specified in
 359 this subsection, the applicant shall certify to the commissioner, no later
 360 than twenty days after providing such notice, that such notice has been
 361 provided in accordance with this subsection.

362 Sec. 10. Subsection (d) of section 22a-361 of the 2010 supplement to
 363 the general statutes is repealed and the following is substituted in lieu
 364 thereof (*Effective October 1, 2010*):

365 (d) (1) The Commissioner of Environmental Protection may issue a
 366 general permit for any minor activity regulated under sections 22a-28
 367 to 22a-35, inclusive, as amended by this act, or sections 22a-359 to 22a-
 368 363f, inclusive, as amended by this act, if the commissioner determines
 369 that such activity would (A) cause minimal environmental effects
 370 when conducted separately, (B) cause only minimal cumulative
 371 environmental effects, (C) not be inconsistent with the considerations
 372 and the public policy set forth in sections 22a-28 to 22a-35, inclusive, as
 373 amended by this act, and section 22a-359, as applicable, (D) be
 374 consistent with the policies of the Coastal Management Act, and (E)
 375 constitute an acceptable encroachment into public lands and waters.
 376 Such activities may include routine minor maintenance and routine
 377 minor repair of existing structures, fill, obstructions, encroachments or
 378 excavations; substantial maintenance consisting of rebuilding,
 379 reconstructing or reestablishing to a preexisting condition and
 380 dimension any structure, fill, obstruction, encroachment or excavation;
 381 maintenance dredging of areas which have been dredged and
 382 continuously maintained as serviceable; activities allowed pursuant to
 383 a perimeter permit; the removal of structures, derelict vessels, debris,
 384 rubbish or similar discarded material or unauthorized fill material;
 385 minor alterations or amendments to authorized activities consistent
 386 with the authorization for such activities; activities which have been

387 required or allowed by an order of the commissioner; open water
388 marsh management by or under the supervision of the Department of
389 Public Health or Department of Environmental Protection;
390 conservation activities of or under the supervision or direction of the
391 Department of Environmental Protection; construction of individual
392 residential docks which do not create littoral or riparian conflicts,
393 navigational interference, or adverse impacts to coastal resources as
394 defined by section 22a-93, which are not located in tidal wetlands as
395 defined by section 22a-29 and which extend no further than forty feet
396 waterward of mean high water or to a depth of minus four feet mean
397 low water, whichever point is more landward; installation of scientific
398 measuring or monitoring devices; survey activities including
399 excavation of test pits and core sampling and driving of test pilings;
400 construction of utility lines; aquacultural activities; and installation
401 and removal of small seasonal structures including floats and
402 moorings. Any person conducting an activity for which a general
403 permit has been issued shall not be required to obtain an individual
404 permit or certificate under any other provision of sections 22a-28 to
405 22a-35, inclusive, as amended by this act, or sections 22a-359 to 22a-
406 363f, inclusive, as amended by this act, for that activity except as
407 provided in subdivision (3) of this subsection. A general permit shall
408 clearly define the activity covered thereby and may include such
409 conditions and requirements as the commissioner deems appropriate,
410 including, but not limited to, construction timing, methodologies and
411 durations, resource protection practices, management practices, and
412 verification and reporting requirements. The general permit may
413 require any person proposing to conduct any activity under the
414 general permit to register such activity, including obtaining approval
415 from the commissioner, before the general permit becomes effective as
416 to such activity. Registrations and applications for approval under the
417 general permit shall be submitted on forms prescribed by the
418 commissioner. Any approval by the commissioner under a general
419 permit may include conditions specific to the proposed activity to
420 ensure consistency with the requirements for issuance of the general

421 permit. The commissioner shall prepare, and annually amend, a list of
422 holders of general permits under this section, which list shall be made
423 available to the public.

424 (2) Notwithstanding any other procedures specified in sections 22a-
425 28 to 22a-35, inclusive, as amended by this act, and sections 22a-359 to
426 22a-363f, inclusive, as amended by this act, any regulations adopted
427 thereunder, and chapter 54, the commissioner may issue a general
428 permit in accordance with the following procedures: (A) The
429 commissioner shall publish in a newspaper having a substantial
430 circulation in the affected area or areas notice of intent to issue a
431 general permit; (B) the commissioner shall allow a comment period of
432 thirty days following publication of such notice during which
433 interested persons may submit written comments concerning the
434 permit to the commissioner and the commissioner shall hold a public
435 hearing if, within said comment period, he receives a petition signed
436 by at least twenty-five persons; (C) the commissioner may not issue the
437 general permit until after the comment period; (D) the commissioner
438 shall publish notice of any permit issued in a newspaper having
439 substantial circulation in the affected area or areas; and (E) summary
440 suspension may be ordered in accordance with subsection (c) of
441 section 4-182. Any person may request that the commissioner issue,
442 modify or revoke a general permit in accordance with this subsection.

443 (3) Subsequent to the issuance of a general permit, the commissioner
444 may require any person whose activity is or may be covered by the
445 general permit to apply for and obtain an individual permit or
446 certificate under the provisions of sections 22a-28 to 22a-35, inclusive,
447 as amended by this act, or sections 22a-359 to 22a-363f, inclusive, as
448 amended by this act, for all or any portion of the activities covered by
449 the general permit, if the commissioner determines that an individual
450 permit is necessary to assure consistency with purposes and policies of
451 such sections, and the Coastal Management Act. The commissioner
452 may require an individual permit under this subdivision in cases
453 including, but not limited to, the following: (A) The permittee is not in

454 compliance with the conditions of the general permit; (B) an individual
 455 permit or certificate is appropriate because of circumstances specific to
 456 the site; (C) circumstances have changed since the time the general
 457 permit was issued so that the permitted activity is no longer acceptable
 458 under the general permit; or (D) a change has occurred in relevant law.
 459 The commissioner may require an individual permit or certificate
 460 under this section only if the affected person has been notified in
 461 writing that an individual permit or certificate is required. The notice
 462 shall include a brief statement of the reasons for the decision.

463 (4) The commissioner may adopt regulations, in accordance with the
 464 provisions of chapter 54, to carry out the purposes of this section.

465 [(5) Notwithstanding any provision of sections 22a-359 to 22a-363f,
 466 inclusive, pending issuance of a general permit for aquaculture
 467 activities by the commissioner in accordance with this section, no
 468 permit or certificate shall be required for the placement, maintenance
 469 or removal of (A) individual structures used for aquaculture, as
 470 defined in section 22-416, including, but not limited to, cages or bags,
 471 which are located on designated state or municipal shellfish beds
 472 which structures create no adverse impacts on coastal resources or
 473 navigation over their location or (B) any buoys used to mark such
 474 structures. Upon issuance of a general permit for aquaculture activities
 475 in accordance with this section, any aquaculture activities shall comply
 476 with the terms of such general permit or other applicable provisions of
 477 sections 22a-359 to 22a-363f, inclusive.]

478 Sec. 11. Subsection (a) of section 22a-363b of the general statutes is
 479 repealed and the following is substituted in lieu thereof (*Effective*
 480 *October 1, 2010*):

481 (a) Routine maintenance of permitted structures, fill, obstructions or
 482 encroachments or routine maintenance of structures, fill, obstructions
 483 or encroachments in place prior to June 24, 1939, and continuously
 484 maintained and serviceable since that date shall be exempt from the
 485 requirements of obtaining certificates of permission or permits

486 pursuant to section 22a-363a, this section or section 22a-361, as
 487 amended by this act. The following activities may be eligible for a
 488 certificate of permission, in accordance with the provisions of
 489 subsections (c) and (d) of this section: (1) Substantial maintenance or
 490 repair of existing structures, fill, obstructions or encroachments
 491 authorized pursuant to section 22a-33 or section 22a-361, as amended
 492 by this act; (2) substantial maintenance of any structures, fill,
 493 obstructions or encroachments in place prior to June 24, 1939, and
 494 continuously maintained and serviceable since such time; (3)
 495 maintenance dredging of areas which have been dredged and
 496 continuously maintained and serviceable as authorized pursuant to
 497 section 22a-33 or section 22a-361, as amended by this act; (4) activities
 498 allowed pursuant to a perimeter permit and requiring authorization by
 499 the commissioner; (5) the removal of derelict structures or vessels; (6)
 500 minor alterations or amendments to permitted activities consistent
 501 with the original permit; (7) minor alterations or amendments to
 502 activities completed prior to June 24, 1939; (8) placement of temporary
 503 structures for water-dependent uses, as defined in section 22a-93; (9)
 504 open water marsh management, tidal wetland restoration, resource
 505 restoration or enhancement activity, as defined in subsection (a) of
 506 section 22a-361, as amended by this act, and conservation activities
 507 undertaken by or under the supervision of the Department of
 508 Environmental Protection; and (10) the placement or reconfiguration of
 509 piers, floats, docks or moorings within existing waterward boundaries
 510 of recreational marinas or yacht clubs which have been authorized
 511 pursuant to section 22a-33 or 22a-361, as amended by this act.
 512 Notwithstanding the provisions of sections 22a-29 to 22a-35, inclusive,
 513 as amended by this act, the commissioner may issue a certificate of
 514 permission for activities enumerated in this subsection which are to be
 515 conducted in tidal wetlands. Upon issuance, such certificate shall be in
 516 lieu of the permit required pursuant to section 22a-32, as amended by
 517 this act.

518 Sec. 12. Sections 22a-112 to 22a-113c, inclusive, of the general
 519 statutes are repealed. (*Effective October 1, 2010*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	2c-2b(a)
Sec. 3	<i>October 1, 2010</i>	15-170
Sec. 4	<i>October 1, 2010</i>	22a-32
Sec. 5	<i>October 1, 2010</i>	22a-35a
Sec. 6	<i>October 1, 2010</i>	22a-90
Sec. 7	<i>October 1, 2010</i>	22a-97
Sec. 8	<i>October 1, 2010</i>	22a-113m
Sec. 9	<i>October 1, 2010</i>	22a-361(a) and (b)
Sec. 10	<i>October 1, 2010</i>	22a-361(d)
Sec. 11	<i>October 1, 2010</i>	22a-363b(a)
Sec. 12	<i>October 1, 2010</i>	Repealer section

Statement of Purpose:

To assist property owners in complying with certain coastal permitting requirements, streamline certain tidal wetlands procedures and repeal certain obsolete coastal management programs and administrative statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]